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C O N F I D E N T I A L LAGOS 000308

SIPDIS

STATE FOR AF/W,

E.O. 12958: DECL: 20 YEARS

TAGS: PGOV NI

SUBJECT: NIGERIA: ONDO GOVERNOR AGAGU REMOVED BY ELECTION TRIBUNAL

Classified By: CONSUL GENERAL DONNA BLAIR FOR REASONS 1.4 (B) AND (D).

¶1. (C) Summary: Ondo Governor Olesegun Agagu's (People's Democratic Party, PDP) election was overturned July 25 by an election tribunal, which declared the Labor Party (LP) candidate Olusegun Mimiko election winner and governor. Agagu plans to appeal the tribunal ruling; Mimiko alleges Agagu plans to bribe the judges. This is an increasingly familiar theme in the later tribunal decisions, further corroding confidence in the judicial and electoral system.  
End Summary.

Ondo Governor Agagu Ousted in Tribunal Decision

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¶2. (SBU) Ondo Governor Olesegun Agagu's (People's Democratic Party, PDP) April 14, 2007 election was overturned July 25 by an election tribunal sitting in the Ondo capital city of Akure. The tribunal declared the Labor Party (LP) candidate Olusegun Mimiko the winner of the election. The tribunal ordered that Governor Agagu vacate the Governor's office and that Mimiko be sworn in as governor. Agagu's lawyers have said they will appeal the tribunal's judgment. Dele Atunbi, an Akure-based journalist, told PolSpec that thousands of Mimiko's supporters, including students, market women, and even civil servants employed by Agagu, took to the streets in celebration of the decision. Atunbi said that, counter to expectations, no violence occurred after the pronouncement. Agagu is not well liked by most people; Mimiko is popular and widely believed to have won the election. (Note: Testimony by forensic expert Adrian Forte figured in Mimiko's case.  
End note.)

LP Claims Assassination, Bribery

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¶3. (SBU) On July 26, the Labor Party issued a statement alleging that Governor Agagu set aside millions of naira to bribe the appeals court judges in order to influence their verdict in his favor. On July 28, the Labor Party additionally claimed that Agagu's PDP supporters had made plans to assassinate Mimiko. The LP press secretary, Kolawole Olabisi, told journalists the police had been notified of the plot. Governor Agagu denied the bribery claims, and PDP spokesmen denied the assassination plot.

¶4. (C) Comment: Presumptive LP Governor Mimiko's allegations reflect the disquiet many Nigerians feel about prospects for

fair treatment by Nigeria's courts of appeals following several questionable judgments recently. The AC recently cited election decisions in Enugu, Osun and Ondo as evidence of disappointment with the judiciary. End comment.

This cable has been cleared by Embassy Abuja.  
BLAIR